



## Ohio Administrative Code

### Rule 4732-17-04 Impaired practitioner rules and safe haven program.

Effective: [March 20, 2023](#)

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(A) Pursuant to division (E) of section 4732.17 of the Revised Code, the board may compel individual license holders and applicants to submit to physical or mental examination only following issuance of a notice of opportunity for hearing alleging violation of division (A)(7) of section 4732.17 of the Revised Code. If the board receives information by the filing of a complaint or upon its own information that an individual's ability to practice has fallen below the acceptable and prevailing standards of care because of impairment due to mental, emotional, physiological, pharmacological, or substance abuse, the board may order the individual to submit to a mental or physical examination at the individual's expense conducted by a designee of the board for the purpose of determining if there is an impairment that is posing a threat to the individual's ability to render safe and competent psychological or school psychological services.

(B) Failure of the individual to submit to a mental or physical examination ordered by the board pursuant to division (E) of section 4732.17 of the Revised Code constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control.

(C) The board at its discretion may:

- (1) Contract with providers of impaired treatment programs.
- (2) Receive and evaluate reports of suspected impairment from any source.
- (3) Intervene in cases of verified impairment.
- (4) Monitor treatment and rehabilitation of the impairment.
- (5) Provide post-treatment monitoring and support.



(6) Provide other functions as necessary to carry out the provisions of this rule.

(7) Make amendments, if necessary, to the treatment programs findings.

(D) The board-approved treatment program shall:

(1) Receive relevant information from the board office and other sources regarding the potential impairment.

(2) Report in a timely fashion any impaired license holder:

(a) Who refuses to submit to an evaluation.

(b) Who refuses to submit to treatment/rehabilitation.

(c) Whose impairment is not substantially alleviated through treatment.

(d) Who in the opinion of the evaluators is unable to practice with reasonable skill and safety.

(3) Provide confidentiality of non-public information of the review process.

(4) Provide an initial report of the nature, severity, and progress of the impairment.

(5) Provide periodic reports, at a rate determined by the board, concerning the license holders progress.

(6) Provide a final report including the treatment outcome and a finding as to the license holders fitness to practice.

(7) Follow any requirements outlined in a formal agreement the license holder or applicant for licensure has entered into with the board.

(E) Pursuant to sections 4732.06 and 4732.173 of the Revised Code, as part of the boards colleague



assistance program, the board hereby establishes a confidential, non-disciplinary program for the evaluation and treatment of eligible individuals who need assistance with a potential or existing impairment due to abuse of or dependence on alcohol or other substances or other health-related conditions. This program shall be known as the board's safe haven program.

(1) The board shall contract with one entity, hereafter referred to as the monitoring organization, to conduct the safe haven program. The monitoring organization shall determine the eligibility for participation in the safe haven program and provide associated services to eligible individuals.

(2) Eligible individuals shall include license holders of the board and license applicants.

(3) Services provided by the monitoring organization include but are not limited to the following:

(a) Screening and/or evaluation for possible impairment due to abuse of or dependency on alcohol or other drugs or other health-related conditions.

(b) Referral to treatment providers approved by the monitoring organization for the purpose of evaluating and/or treating impairments.

(c) Establishment of individualized monitoring criteria for a duration determined by the monitoring organization to ensure the continuing care and recovery from impairment.

(d) Case management.

(4) The monitoring organization that contracts with the board to conduct the safe haven program may receive referrals from any of the following:

(a) Applicants and license holders.

(b) Other individuals.

(c) Employers.



(d) Professional societies and associations.

(e) Health care personnel and treatment providers.

(f) Other entities and organizations.

(g) The board.

(5) To participate in the safe haven program, an eligible individual must enter into an agreement with the monitoring organization to seek assistance for a potential or existing impairment due to mental, emotional, physiological, pharmacological or substance abuse conditions or dependence on alcohol or other drugs or other health-related conditions. The agreement may specify but is not limited to the following:

(a) Treatment and therapy plan.

(b) Support group participation.

(c) Case management.

(d) Duration of monitoring. Relapses and other failures to comply with the terms of the agreement may result in a longer period of monitoring. As appropriate, an addendum to the agreement may be initiated by the monitoring organization.

(e) Random toxicology testing.

(f) Releases for information or records related to the practitioners impairment, including but not limited to family, peers, health care personnel, employers, and treatment providers.

(g) Grounds for dismissal from participation in the safe haven program for failure to comply with program requirements.

(h) Any required fees associated with participation in the safe haven program, including but not



limited to fees for toxicology testing.

(6) The board shall not institute disciplinary action based on impairment against a safe haven program participant so long as the participant enters into an agreement with the monitoring organization and complies with the same. The presence of impairment shall not excuse acts or preclude investigation or disciplinary action against a participant for other violations of Chapter 4732. of the Revised Code.

(7) The monitoring organization shall report to the board for further investigation and/or action any participant who is unwilling or unable to comply with any part of the safe haven program, including evaluation, treatment, or monitoring.

(8) All information received and maintained by the monitoring organization shall be held in confidence subject to section 2317.02 of the Revised Code and in accordance with federal law.